

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
JACE R. YZAGUIRRE,

Plaintiff,

- against -

DAVE LEVIN, BENNY VAZQUES, TESSA  
KRATZ, and CHRIS WEEKS,Defendants.  
-----X

24 Civ. 1500 (JPO) (GS)

ORDER**GARY STEIN, United States Magistrate Judge:**

The Court is in receipt of the *pro se* Plaintiff's letter dated March 8, 2024 and docketed today. (See Dkt. No. 11). Plaintiff's letter requests leave to amend his Complaint.

Under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, a plaintiff may amend his complaint once as of right—that is to say, without requesting the Court's permission—if he files the amended complaint within 21 days after the defendant's answer is filed. Here, because Defendants filed their Answer on March 4, 2024 (Dkt. No. 7), Plaintiff may amend his Complaint without requesting leave to do so at any time up to and including March 25, 2024. If Plaintiff wishes to amend his Complaint after that date, he may do so only if he obtains either Defendants' consent or the Court's permission. *See* Fed. R. Civ. P. 15(a)(2).

Plaintiff's current Complaint, which was filed originally in state court and is handwritten, is difficult for the Court to read. The Court therefore requests that Plaintiff either file any Amended Complaint in typewritten form or, if it is

handwritten, take care to make sure that it is clearly legible (as is the case with his March 8 letter).

Plaintiff's March 8 letter also briefly challenges the Court's jurisdiction over this case. The proper procedure for challenging the Court's subject-matter jurisdiction is through a motion to remand pursuant to 28 U.S.C. § 1447(c). A motion to remand asks the Court to send the case back to state court because the federal court lacks subject-matter jurisdiction over the case. Such a motion should set forth reasons as to why the plaintiff believes the federal court does not have jurisdiction over the case. Plaintiff is free to file such a motion if he wishes.

DATED: New York, New York  
March 14, 2024

  
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GARY STEIN  
United States Magistrate Judge